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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,733	05/04/2005	Masatomi Sato	U 015756-4	7957
140	7590	11/29/2007		
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			EXAMINER HOOK, JAMES F	
			ART UNIT 3754	PAPER NUMBER
			MAIL DATE 11/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/533,733	SATO, MASATOMI	
	<b>Examiner</b>	<b>Art Unit</b>	
	James F. Hook	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito (085). The reference to Ito discloses the recited laminated tube comprising two or more resin layers of low permeability resins including PBN and ETFE, where the ETFE layer can be used as the innermost layer 1, layer 2 can be PBN, the inner layer can be made conductive by adding conductive material to the layer, the different materials can be used alone or in combination which discloses combining both of these resins where the manner used to mix is considered a method step which would not directly affect the final product and therefore it is immaterial what method of mixing is used to arrive at the final product in an article claim such as a mixture of two plastics, where inherently this is one method normally used to mix the plastics.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishino (278). The reference to Nishino discloses the recited laminated tube comprising two or more resin layers of low permeability resins including PBN and ETFE, where the ETFE layer can be used as the innermost layer 10, layer 12 can be PBN, the inner layer can be made conductive by adding conductive material to the layer, the different materials can be used alone or in combination which discloses combining both of these resins where the manner used to mix is considered a method step which would not directly affect the final product and therefore it is immaterial what method of mixing is used to arrive at the final product in an article claim such as a mixture of two plastics, where inherently this is one method normally used to mix the plastics, there are also crystalline materials disclosed which are considered liquid crystalline polymers.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (085) in view of Fisher. The reference to Ito discloses all of the recited structure with the exception of utilizing LCP for layers that can include fluoropolymers. The reference to Fisher discloses that it is old and well known in the art to substitute LCP for layers which normally can be formed of fluoropolymers. It would have been obvious to

substitute LCP for the fluoropolymer layers in Ito as suggested by Fisher where such is an equivalent material to fluoropolymers utilized in barrier layers of hoses and would provided barrier properties different than that of fluoropolymers to meet the environment that the hose is to be used.

Claims 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishino in view of Fisher. The reference to Nishino discloses all of the recited structure with the exception of utilizing LCP for layers that can include fluoropolymers. The reference to Fisher discloses that it is old and well known in the art to substitute LCP for layers which normally can be formed of fluoropolymers. It would have been obvious to substitute LCP for the fluoropolymer layers in Nishino as suggested by Fisher where such is an equivalent material to fluoropolymers utilized in barrier layers of hoses and would provided barrier properties different than that of fluoropolymers to meet the environment that the hose is to be used.

Claims 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (085) in view of Morohoshi. The reference to Ito discloses all of the recited structure with the exception of utilizing LCP for layers that can include fluoropolymers. The reference to Morohoshi discloses that it is old and well known in the art to substitute LCP for layers which normally can be formed of PBN. It would have been obvious to substitute LCP for the PBN layers in Ito as suggested by Morohoshi where such is an equivalent material to fluoropolymers utilized in barrier layers of hoses and would provided barrier properties different than that of fluoropolymers to meet the environment that the hose is to be used.

Claims 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishino in view of Morohoshi. The reference to Nishino discloses all of the recited structure with the exception of utilizing LCP for layers that can include fluoropolymers. The reference to Morohoshi discloses that it is old and well known in the art to substitute LCP for layers which normally can be formed of PBN. It would have been obvious to substitute LCP for the PBN layers in Nishino as suggested by Morohoshi where such is an equivalent material to fluoropolymers utilized in barrier layers of hoses and would provided barrier properties different than that of fluoropolymers to meet the environment that the hose is to be used.

### ***Response to Arguments***

Applicant's arguments filed August 30, 2007 have been fully considered but they are not persuasive. Most of the arguments are moot in light of the changes to the rejections, however, claims 1-3 were rejected originally under Ito and Nishino and currently amended claim 1 is a combination of these three claims, therefore the rejection of claim 1 is still considered applicable. Both references to Ito and Nishino recite that the different polymers can be combined together thereby teaching the mixture of the different polymers in one layer, where the method of mixing used is merely a method step which has no patentable weight on the final article claimed. With respect to the argument directed at LCP only being used, such is only persuasive with regards to claims where such is the only material listed, in claim 1 however the list of different materials still exists and the references to Ito and Nishino meet the limitations

of claim 1, the argument with respect to its application to claim 4 is moot based on the new rejection above.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Chan, Wang, Maillard, and Braun disclosing state of the art multilayer hoses.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

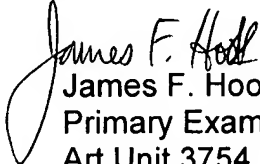
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
James F. Hook  
Primary Examiner  
Art Unit 3754

JFH